

**CITY OF LOMPOC  
PLANNING COMMISSION STAFF REPORT**



**MEETING DATE:** JULY 8, 2009  
**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KEITH C. NEUBERT, PRINCIPAL PLANNER  
**RE:** DEVELOPMENT PLAN REVIEW – DR 09-01

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**AGENDA ITEM NO. 1**

A request by C. Roger Su of ITRA Group, Inc., representing the property owner, for Planning Commission consideration of a proposal to construct an approximately 2,450 square foot Panda Express drive-through restaurant and future approximately 4,500 square foot restaurant/retail building with parking and landscaping. The project includes demolition of an existing approximately 8,100 square foot building. The proposed project is located at 1405 North H Street in the *Planned Commercial Development (PCD)* Zoning District (Assessor Parcel Number: 93-450-32). A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

**SCOPE OF REVIEW:**

The Planning Commission is being asked to consider:

- If the proposal is consistent with the Architectural Review Guidelines;
- If the project meets the property development standards for the Planned Commercial Development (PCD) zone;
- If the required Findings of Fact can be made; and
- If the Conditions of Approval are appropriate for the project.

The Planning Commission has the authority to approve, conditionally approve, or deny project architecture (Lompoc City Code Section 17.104.020 et seq.).

**PLANNING COMMISSION ACTION:**

1. Certify the Mitigated Negative Declaration; and
2. Adopt Resolution No. 655 (09) approving DR 09-01, based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval and Mitigation Measures; or
3. Provide alternative direction.

**SITE DATA:**

1. Property Owner ..... CFT Developments
2. Site Location ..... 1405 North H Street
3. Assessor Parcel Number..... 93-450-32
4. Site Zoning ..... Planned Commercial Development (PCD)
5. General Plan Designation ..... General Commercial
6. Site Use..... Existing Restaurant Building
7. Surrounding Uses/Zoning..... North: Commercial (PCD)  
South: Commercial (PCD)  
East: Commercial (PCD)  
West: Commercial (PCD)
8. Project Area ..... Approximately 1.02 acres

**BACKGROUND:**

- |                  |                                                                           |
|------------------|---------------------------------------------------------------------------|
| July 9, 1991     | Final building inspection completed for Sizzler restaurant.               |
| July 7, 2000     | Final building inspection completed for conversion to Denny's restaurant. |
| February 7, 2009 | Application received for construction of Panda Express.                   |

**CONFORMANCE WITH ADOPTED CITY POLICIES:**

**General Plan:**

General Plan designation for this property is *General Commercial* and the stated purpose is:

*To provide commercial areas for a wide variety of retail, office, and service-oriented enterprises which meet the needs of residents and visitors. To accommodate commercial uses which operate more effectively outside the other commercial areas of the community.*

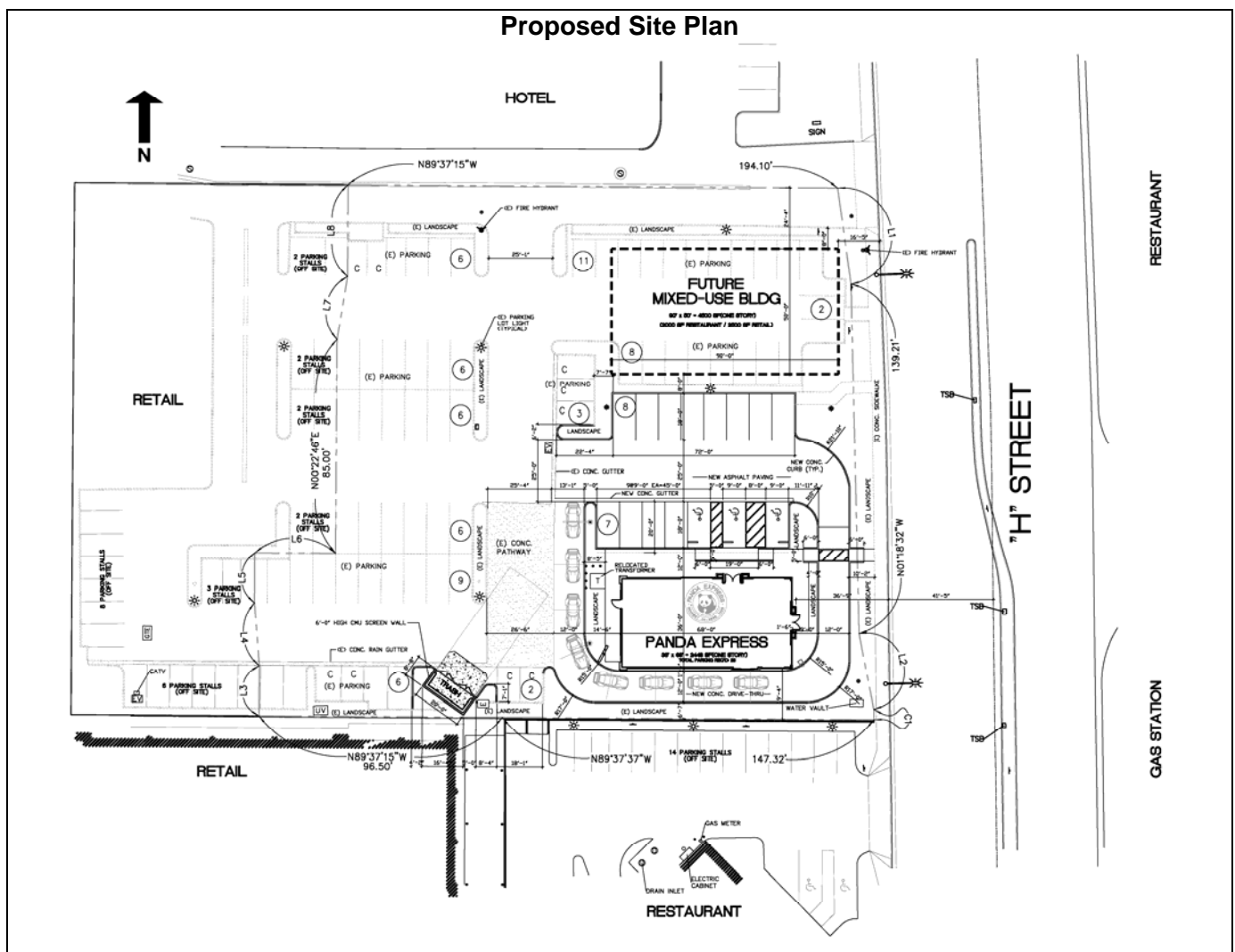
The proposed restaurant is being constructed to serve those living and visiting the City of Lompoc. It would be consistent with the General Plan designation and all applicable policies.

**Zoning Ordinance:**

The zoning for the site is Planned Commercial Development (PCD). The purpose of this zone is to provide for the orderly development of commercial centers in conformance with the comprehensive land use element of the City. This district is intended to provide flexibility in the design arrangements of various types of commercial developments. Planning Commission review and approval of the development plan for this project will assure the orderly development of the site.

**Site Plan –**

The project is located on an approximately 1.02 acre parcel located at 1405 North H Street. The proposed restaurant is located at the southeast corner of the lot and the future commercial building is located at the northeast corner of the property. The restaurant will include drive-through service. One existing driveway along H Street provides access to the site. A Condition of Approval is included requiring Planning Commission review of the future commercial building (COA P55).



As shown in the table below, the project meets Zoning Ordinance Section 17.044.040 Standards of Development for the C2/PCD zone.

CATEGORY	REQUIRED/MAXIMUM	PROPOSED
Front Yard Setback	None	24 feet, 9 inches
Rear Yard Setback	None	112 feet, 5 inches
Side Yard Setback	None	19 feet, 4 inches (south) 155 feet, 4 inches (north)
Height	50 feet	23 feet

Parking –

A. Parking Spaces – Drive-through restaurants are required to provide 10 spaces plus 1 space for each 200 square feet of gross floor area per Section 17.112.020(B) Schedule of Off-Street Parking Requirements of the Zoning Ordinance. The restaurant is approximately 2,450 square feet ( $2,450 \div 200 = 12$  spaces).

Required:  
22 parking spaces

Proposed:  
80 parking spaces

B. Loading Spaces – A non-residential structure less than 50,000 square feet is required to provide one (1) off-street loading space. The minimum size of the loading space is 12 feet wide, 35 feet long per Section 17.112.030 Off Street Loading Requirements of the Zoning Ordinance. The proposed site plan does not show a loading space for the site. A Condition of Approval is included requiring that one (1) loading space be provided (COA P54).

Signage –

The applicant is not requesting review of signage by the Planning Commission. Signage will be reviewed at staff level for compliance with the City Sign Regulations.

Based upon the information provided on the plans and the conditions imposed upon the project, the development would be in conformance with the Zoning Ordinance.

**Architectural Review Guidelines:**

The proposed architecture indicates building pop-outs on the north, south and east elevations and decorative columns on the north, south and west elevations. Parapet walls extend above the roofline on all sides with decorative caps placed on the parapet and columns. Awnings with gooseneck light fixtures above are included on the north, south and east elevations. Asian inspired raincaps are shown above glass doors on the north and east elevations.

The proposed exterior building finish is a cream and beige colored stucco. Proposed awnings are red with black and white trim.



Photos of the site and a color / material board will be available at the meeting for review.

The Architectural Review Guidelines state:

**Page 8, Item 6**

*All proposed buildings or structures should be sensitive to the neighborhood character.*

**Page 9, Item 13**

*All building elevations visible to the public shall be designed and architecturally treated. The choice of materials, colors, and the level of detailing shall be thoughtfully integrated into the design. All elevations need not look alike; however, a sense of overall architectural continuity is encouraged.*

The building pop-outs and columns provide depth to the building. The colors and materials enhance the building's character. Architectural treatment utilized on the front of the building is carried to the north and south sides of the building. The applicant is dressing the area around the building and in the parking lot with landscaping. The landscape plan will be reviewed by the Planning Division Staff and a Landscape Maintenance Agreement will be required for the project (COA P24 & P25).

The surrounding area is commercial. This project provides an architectural style that is sensitive to the varied development that exists in the area. As conditioned, the project is consistent with the City's Architectural Review Guidelines.

**STAFF REVIEW:**

A Development Review Board (DRB) meeting was held for this project on May 26, 2009. The applicant met with staff to discuss the proposal and draft Conditions of Approval were formulated. The following comments were received:

Engineering Division – The fair share percentage contribution of 12% for H Street and Central Avenue improvements identified in the Panda Express Traffic Impact Analysis shall be provided to the Engineering Division (COA EN31), modify existing commercial driveway access onto H Street and provide a minimum 4-foot wide sidewalk area behind drive apron (COA E33).

Solid Waste Division – The trash enclosure shown on the Preliminary Site Development Plan will need to be moved to a location accessible to side loading automated trash collection trucks (COA SW6), if gates are desired, the owner shall sign an agreement with the City stating that he will be responsible for refuse containers being pulled out and placed in an acceptable location on the days of service (COA SW7), a Solid Waste Management Plan will be required for the demolition phase and construction phase of the project (COA SW 8).

Electric Division – An electric easement will be required (COA EL8), proposed Trash enclosure and existing electric vault will need a minimum 5' separation (COA E9).

Water Division – Any unutilized water services and/or fire lines shall be abandoned at the water main (COA W1112).

The Development Review Board (DRB) has developed a series of standard conditions of approval (COA) to advise applicants of possible requirements during the development review process. Project specific conditions are included when staff can determine what they should be from the conceptual plans provided for Commission review. A complete plan check occurs after construction plans have been submitted to the Building Division for building permits. Please note that not all COA included with the Planning Commission Resolution for the project may be applicable. If the applicant has questions and/or concerns regarding specific conditions, he/she should contact the department/division that is recommending the condition. DRB members do not attend the Commission meeting and Planning staff cannot answer specific questions regarding conditions recommended by other departments/divisions.

The DRB recommends that the Planning Commission adopt Resolution No. 655 (09) approving DR 09-01 as the Development Plan for the project, subject to the attached Conditions of Approval.

**ENVIRONMENTAL REVIEW:**

An Initial Environmental Study was prepared for the proposed project on June 12, 2009. A traffic study was completed by Rick Engineering Company on May 14, 2009 and is available for review. Traffic impacts are discussed briefly in the Transportation/Circulation section beginning on page 15 of the Initial Environmental Study.

Pursuant to the provisions of the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration has been prepared. Mitigation Measures were imposed and will be monitored by City staff. It is recommended that the Commission review the document and certify the Mitigated Negative Declaration for the proposal. A Notice of Determination will be filed following the Planning Commission action.

**NOTICING:**

On June 12, 2009:

- 1) Notice of the Public Hearing was published in the Lompoc Record; and
- 2) Notices were mailed to property owners within 300 feet by US mail.

On June 26, 2009:

- 1) The project site was posted by City staff.

**APPEAL RIGHTS:**

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form and fee.

**ATTACHMENTS:**

1. [Draft Resolution No. 655 \(09\) and Conditions of Approval](#)
2. [Initial Study and Mitigated Negative Declaration](#)
3. Site Plan and Elevations  
(PC only with staff report, documents available for review in Planning Division)

Staff Report has been reviewed and approved for submission to the Planning Commission			
Arleen T. Pelster, AICP Community Development Director	Date	Lucille T. Breese, AICP Planning Manager	Date

RESOLUTION NO. 655 (09)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A DEVELOPMENT PLAN FOR THE CONSTRUCTION OF AN APPROXIMATELY 2,450 SQUARE FOOT PANDA EXPRESS DRIVE-THROUGH RESTAURANT AND FUTURE APPROXIMATELY 4,500 SQUARE FOOT RESTAURANT/RETAIL BUILDING AT 1405 NORTH H STREET (DR 09-01)**

**WHEREAS**, a request was submitted by C. Roger Su of ITRA Group, Inc., representing the property owner, for Planning Commission consideration of a proposal to construct an approximately 2,450 square foot Panda Express drive-through restaurant and future approximately 4,500 square foot restaurant/retail building with parking and landscaping. The project includes demolition of an existing approximately 8,100 square foot building. The proposed project is located at 1405 North H Street in the *Planned Commercial Development (PCD)* Zoning District (Assessor Parcel Number: 93-450-32); and

**WHEREAS**, the request was considered by the Planning Commission at a duly-noticed public meeting on July 8, 2009; and

**WHEREAS**, at the meeting of July 8, 2009, \_\_\_\_\_, was present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of July 8, 2009, \_\_\_\_\_ spoke in favor of, and \_\_\_\_\_ spoke in opposition to, the project.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:**

**SECTION 1:** After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the proposed project, as conditioned, meets the requirements of the Lompoc City Code and is consistent with the applicable policies and development standards, therefore it can be found that:

- A. The site for the proposed use is adequate in size and topography to accommodate said use, and all spaces, walls and fences, parking, loading, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.
- B. The conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare.
- C. The site of the proposed use relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.



- D. The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted use thereof.

Inasmuch as the Initial Environmental Study and Mitigated Negative Declaration, prepared for the proposal, show no substantial evidence that the project may have a significant effect on the environment it can be found:

- E. That the proposed project, as conditioned, will not have a significant effect on the environment.

**SECTION 2:** Based upon the foregoing, DR 09-01 is approved as proposed on July 8, 2009, subject to the conditions attached as Exhibit A and Mitigation Measures attached as Exhibit B, which are incorporated by reference as if fully set forth herein.

The foregoing Resolution, on motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, was adopted at the regular Planning Commission meeting of July 8, 2009 by the following vote:

**AYES:**

**NOES:**

\_\_\_\_\_  
Arleen T. Pelster, AICP, Secretary

\_\_\_\_\_  
Jack Rodenhi, Chair

Attachments:      [Exhibit A – Conditions of Approval](#)  
                             [Exhibit B – Mitigation Measures](#)

**CONDITIONS OF APPROVAL  
DR 09-01 – PANDA EXPRESS  
1405 NORTH H STREET – APN: 93-450-32**

The following Conditions of Approval apply to the plans for DR 09-01, received by the Planning Division and stamped on February 27, 2009, and reviewed by the Planning Commission on July 8, 2009.

**I. PLANNING**

**Planning - General Conditions**

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 17.140.010, 17.152.010, and 17.152.020 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Section 1.24.010 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. The applicant is advised that certain fees and charges will be collected by the City prior to issuance of building permits and/or prior to issuance of certificates of occupancy.
- P4. These conditions of approval shall be noted on the construction drawings filed for any building permits, including the Planning Commission resolution number and the applicant's signed affidavit agreeing to comply with the conditions.
- P5. All revisions made by the Planning Commission and specified in the planning conditions of approval shall be shown on a revised site plan, which shall be reviewed by the Planning Division prior to submittal of construction drawings.
- P6. Minor changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Community Development Director and approved if acceptable. Major changes to the site plan, architectural elevations, or landscape plans shall be reviewed by the Planning Commission and approved if acceptable.
- P7. Prior to the installation of any signage or sign related construction the applicant shall obtain all appropriate permits. Approval of these plans with signage indicated does not imply approval of signage.

- P8. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

### **Planning - Architectural Conditions**

- P9. The Architectural Review approval granted by the Planning Commission is valid for one year from date of approval and will expire on July 8, 2010. A one-year extension may be granted by the Community Development Director if the applicant so requests prior to the expiration date.
- P10. All facades which extend above the roofline shall be finished on all elevations exposed to public view.
- P11. All mechanical, ventilation, and utility equipment shall be architecturally screened to prevent visibility from public view and shall be designed and placed to harmonize with the major structures on the site and with the neighborhood.
- P12. Foam material shall not be used for architectural features from the ground level to six (6) feet above ground level. Foam material may be used on portions of the building which are a minimum of six feet above ground level.

## **Planning - Site Plan Conditions**

- P13. No outside vending machines, except fully enclosed newspaper racks, shall be allowed on site. All newspaper racks shall be pedestal-mounted.
- P14. One copy of the lighting plan shall be submitted to the Engineering Division with the grading/improvement plans. A separate copy shall be submitted to the Building Division with the building plans. The lighting plan shall be reviewed and approved by the Engineering and Planning Divisions prior to issuance of any permits for the project. The plan shall incorporate the following:
- a. Details for external light fixtures both on and off the building(s), all lighting within private streets (including conduit and wiring), external illuminated signage, and any light fixtures at ground level. All lighting shall be shielded to prevent glare and minimize light intrusion to adjacent properties.
  - b. Photometrics.

## **Planning - Stormwater Conditions**

- P15. On construction sites that are over 1-acre in size, a Notice of Intent shall be filed with the State Water Quality Control Board and a Storm Water Pollution Prevention Plan (SWPPP), meeting all the requirements of the currently adopted Construction General Permit, shall be submitted to the City Planning Division and the City Engineering Division for review. No grading shall take place until a SWPPP for the project has been approved, a grading permit has been issued and the approved SWPPP is on-site.
- P16. Filters that remove sediment, oil, grease and trash shall be provided to treat all storm water that will drain to the City's storm drain system from new on-site paved areas and private streets. The locations, types and details of the filters proposed shall be shown on the project's erosion control plan, grading and drainage plans which, shall be reviewed by the City Planning and Engineering Divisions, prior to issuance of grading permits.
- P17. Filters that remove sediment, oil, grease and trash shall be provided to treat all storm water draining from pavement to percolation basins, ponds, bioswales and rain gardens or similar structures.
- P18. Adequate maintenance and replacement of storm water filters shall be ensured, per manufacturer's specifications. Filters must be cleaned out at least twice a year, before and after the rainy season. At any time filters are not functioning correctly and water is ponding as a result, the filters shall be cleaned out and replaced, if necessary.

- P19. Permeable pavement shall not be permitted in areas where vehicular traffic is proposed. Permeable pavement and other pervious hardscape shall be permitted for use in walkways and in landscaped areas.
- P20. If rain gardens and bioswales or similar structures are proposed, they shall be shown, and details provided on grading, drainage and landscaping plans. Their design, location and proposed plantings shall be subject to review by the City Engineering and Planning Divisions.
- P21. All roof drains and gutters shall be painted to match the building(s) and shall drain to landscaping or to properly installed and maintained rain barrels.
- P22. All landscaping shall be drought tolerant and low maintenance.
- P23. No pollutants, including, but not limited to, sediment, chemicals, trash and contaminated storm water shall be discharged from private property into, or where they could be transported to, City property, the City's storm drain system, streets, storm channels, or waterways, either during or after construction.

#### **Planning - Landscaping General Conditions**

- P24. Five (5) sets of the landscape and irrigation plans shall be submitted to the Planning Division for distribution and review by various City departments/divisions. The landscape and irrigation plans shall be reviewed and approved prior to issuance of grading or encroachment permits. After the final review and approval of these Plans, mylar copies shall be submitted to the Engineering Division with the grading and/or improvement plans.

The landscape and irrigation plans shall be prepared by a licensed landscape architect or other qualified professional project designer as designated by City staff; shall have overall dimensions of 24" x 36"; shall show all existing and proposed public utilities within the project limits; and shall have the following approval blocks:

- 1) City Engineer;
  - 2) Community Development Director – private property landscaping; and
  - 3) Urban Forestry Manager – right-of-way landscaping
- P25. A Landscape Maintenance Agreement, in a form satisfactory to the City Attorney, shall be recorded prior to issuance of building permits for the project.
- P26. The project must conform with the Urban Forestry Administrative Guidelines.
- P27. The final landscaping Conditions of Approval shall be printed on the landscape plans filed with the City.

### **Planning - Landscaping Irrigation Conditions**

- P28. The project must conform to Chapter 15.52 of the Lompoc City Code Water Efficient Landscape Standards.
- P29. All irrigation must be low-water use, per manufacturer's specifications. A copy of the specifications must be provided to the Planning Division before installation. Installation must include check valves as needed to prevent runoff.
- P30. All irrigation under paving must be Schedule 80 PVC or greater with tracer wires and sleeves.

### **Planning - Landscaping Tree Conditions**

- P31. The number and size of trees installed on the site shall meet the tree density requirements, as set forth in Chapter 12.32 of the City Code. The density will be approved or denied during Plan Check.
- P32. All trees must be planted at least ten feet away from public utilities, to include but not limited to water, sewer, electric, storm drain, cable, telephone, etc.
- P33. All trees must be installed with support staking. All nursery stakes must be removed from trees.
- P34. All trees and plant material selection shall be made with the concurrence of the Planning Division.

### **Planning - Landscaping Installation Conditions**

- P35. Installation of all irrigation and landscaping shall be performed by a licensed landscape contractor. Open trench inspection of the irrigation installation is subject to approval of City officials. Prior to the final inspection by the Planning Division, a letter confirming substantial conformance with the approved plans must be submitted by the project landscape designer.
- P36. A layer of bark two to four inches deep must be applied in all landscape areas. A sample of the bark shall be submitted to the Planning Division for review and approval prior to the issuance of building permits.
- P37. All plant material is subject to inspection by the Planning Division and must be guaranteed for two years from the date of final inspection.
- P38. Prior to the final inspection by the Planning Division, a Certificate of Substantial Compliance shall be completed and submitted to the Planning Division.
- P39. All landscaping shall be installed and accepted by the City prior to issuance of a certificate of occupancy for the building.

## Planning - Air Quality Conditions

- P40. Dust (PM<sub>10</sub>) - a dust abatement program shall be prepared by the applicant and submitted with the grading/improvement plans. The program shall be reviewed and approved by the City Engineer, Senior Environmental Coordinator, and City Planner prior to issuance of grading permits. The dust abatement program shall include, but is not limited to, the following dust control measures:
- a. Sprinkle all construction areas with water (recycled when possible) at least twice a day, during excavation and other ground-preparing operations, to reduce fugitive dust emissions.
  - b. Construction sites shall be watered and all equipment cleaned in the morning and evening to reduce particulate and dust emissions.
  - c. Cover stockpiles of sand, soil, and similar materials, or surround them with windbreaks.
  - d. Cover trucks hauling dirt and debris to reduce spillage onto paved surfaces or have adequate freeboard to prevent spillage.
  - e. Post signs that limit vehicle speeds on unpaved roads and over disturbed soils to 10 miles per hour during construction.
  - f. Soil binders shall be spread on construction sites, on unpaved roads, and on parking areas; ground cover shall be re-established through seeding and watering.
  - g. Sweep up dirt and debris spilled onto paved surfaces immediately to reduce resuspension of particulate matter through vehicle movement over those surfaces.
  - h. Require the construction contractor to designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.
  - i. The name and 24/7 contact information for the person responsible for dust control shall be provided to the City prior to issuance of grading permits.
  - j. If dust is not controlled on the site, the City shall shut down work on the project until the applicant can provide adequate dust control.
  - k. Streets and alleys surrounding the project shall be kept clean and free of dirt.

P41. Ozone (O<sub>3</sub>) Precursors: (NO<sub>x</sub> and ROC)

- a. All construction equipment engines and emission systems shall be maintained in proper operating order, in accordance with manufacturers' specifications, to reduce ozone precursor emissions from stationary and mobile construction equipment.
- b. If feasible, electricity from power poles or ground lines shall be used in place of temporary diesel- or gasoline-powered generators.

**Planning – Cultural Resources Conditions**

- P42. If archaeological artifacts are unearthed or exposed during demolition or construction, the artifacts and the site shall be evaluated by an experienced Archaeologist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Archaeologist.
- P43. If paleontological artifacts are unearthed or exposed during demolition or construction, the artifacts and the site shall be evaluated by an experienced Paleontologist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Paleontologist.
- P44. If human remains are discovered during construction, the County Coroner, and the Native American Heritage Commission shall be notified and their recommendations and requirements adhered to, prior to continuation of construction activity.

**Planning - Mitigation Monitoring Conditions**

- P45. Hours of construction shall be limited to:  
Monday through Friday - between the hours of 7:30 a.m. and 5 p.m.  
Saturday - between the hours of 8 a.m. and 5 p.m.  
Sunday - None  
Minor modifications to the hours of construction may be granted by the City Planner.
- P46. All mitigation measures set forth in the *Panda Express Mitigated Negative Declaration (MND)* are hereby incorporated into these Conditions of Approval, as if fully contained herein, except those found infeasible pursuant to §15091 of the State CEQA Guidelines.

- P47. The applicant shall enter into a Mitigation Monitoring Agreement with the City of



Lompoc, which shall assure continuing compliance with the Mitigation Measures set forth in the *Final MND*. The Agreement shall be reviewed and approved by the City Attorney, and shall be recorded prior to the issuance of any construction permit.

- P48. The applicant shall pay the costs associated with implementation of the Mitigation Monitoring Program prior to issuance of the first Certificate of Occupancy for any building in the project. The costs associated with implementation of Mitigation Monitoring Program shall be calculated on a time and materials basis.
- P49. Minor changes to the Mitigation Monitoring Program may be made by the Community Development Director. Such changes shall not result in alteration of any mitigation measures, but shall be restricted to changes related to which phase of the Mitigation Monitoring Program (e.g., plan check, construction, pre-occupancy, post-occupancy) a mitigation measure is to be completed. Any such changes may be approved when it is found to be impractical to require completion of a mitigation measure during the phase specified in the Mitigation Monitoring Program.

#### **Planning – Project Specific Conditions**

- P50. A temporary use permit shall be obtained from the Planning Division prior to installation of a construction trailer on the project site.
- P51. Any new perimeter walls and/or fencing for the project shall be architecturally treated. The treatment shall be reviewed and approved by the Planning Division staff prior to issuance of grading permits.
- P52. Bicycle racks to accommodate three (3) bicycles shall be provided on site. The location and type of bicycle racks shall be reviewed and approved by the Planning Division prior to issuance of building permits.
- P53. Motorcycle parking to accommodate three (3) motorcycles shall be provided on site. The location shall be reviewed and approved by the Planning Division prior to issuance of building permits.
- P54. The site plan shall be revised to show one (1) loading space on the site. The location shall be reviewed and approved by the Planning Division prior to issuance of building permits.
- P55. Planning Commission review is required for the future building on the site.
  
- P56. A Federal Aviation Administration (FAA) Notice of Proposed Construction or

Alteration (Form 7460-1) shall be filed with the FAA by the applicant for projects that will extend vertically into a 100:1 slope originating at the Airport runway. A copy of the notice filed with the FAA shall be submitted to the Planning Division prior to issuance of building permits.

- P57. An aviation easement and flight pattern representations, including but not limited to references to noise, low overflight, airport expansion plans and beacons, in a form acceptable to the City Attorney, shall be recorded on the property title prior to issuance of building permits.
- P58. The parking lot shall meet the Lompoc City Parking Standards. A striping detail of the parking stalls shall be shown on the plans.

## **II. BUILDING AND FIRE SAFETY**

### **Building - General Conditions**

- B1. Project shall comply with the most recent adopted City and State building codes.
- B2. Plans shall be submitted by a California licensed architect and/or engineer.
- B3. Approved fire-resistive assemblies shall be provided for occupancy and/or exterior wall protection. Parapets may be required in accordance with the CBC and CFC.
- B4. Dimensioned building setbacks and property lines, street centerlines, and between buildings or other structures shall be designated on plot plans.
- B5. All property lines and easements must be shown on the plot plan. A statement that such lines and easements are shown is required.
- B6. The Title Sheet of the plans shall include:
  - a. Occupancy group
  - b. Description of use
  - c. Type of construction
  - d. Height of the building
  - e. Floor area of building(s)
  - f. Fire sprinklers
- B7. California disabled access regulations shall be incorporated within the plans.
- B8. Project shall comply with current City and State water conservation regulations.
- B9. Dust and erosion control shall be in conformance with standards and regulations of the City of Lompoc.
- B10. A licensed surveyor/engineer shall verify pad elevations, setbacks, and roof

elevations.

B11. Stairs, ramps, decks, and platforms shall meet the strict guidelines in the most recent adopted Building Code.

B12. Buildings shall comply with the State's Energy Regulations.

### **III. FIRE**

#### **Fire - Access Conditions**

F1. All required access roads on the site shall be in service prior to the start of framing construction. The roads shall have: 1) an all-weather surface; 2) a minimum vertical clearance of 14 feet; and 3) a minimum width of 20 feet. All dead-end access roads in excess of 150 feet in length shall have a minimum outside turn around radius of forty (40) feet and/or a minimum inside turn around radius of thirty (30) feet.

F2. All permanent gates on required access roads shall have a means for Fire Department access either: 1) an approved key box containing appropriate keys or gate combination, or 2) if electrically operated, an approved key operated switch. Provisions must be made to open electrically operated gates in the event of a power failure.

F3. Fire Department access shall comply with ICFC Chapter 5 and IFC Appendix C-D.

F4. An approved key box containing appropriate keys to buildings shall be made accessible and installed according to City Standards.

#### **Fire - Water Supply Conditions**

F5. Fire Hydrants shall be provided in accordance with CFC Chapter 5 and IFC Appendix B-C.

- a. The number and spacing of fire hydrants shall be in accordance to IFC Appendix B-C.
- b. Fire Department access and water supply shall be in accordance with CFC Chapter 5 and IFC Appendix B, C and D.

F6. All fire hydrants shall be in service prior to the start of framing construction.

F7. Fire sprinkler connections shall have unobstructed access to a fire hydrant within 150 feet.

#### **Fire - Equipment and Protection System Conditions**

- F8. Fire alarm systems are required in accordance with the most restrictive of the following: the Uniform Fire Code, the Uniform Building Code, or the Lompoc City Code.
- F9. Automatic sprinkler systems are required in accordance with the most restrictive of the following: the California Fire Code, the California Building Code, and the Lompoc City Code.
- F10. Fire alarm systems and automatic sprinkler systems shall be supervised on a 24-hour basis at a location approved by the Fire Department.
- F11. Four sets of plans for fire alarm systems and sprinklers shall be submitted to the Building and Fire Safety Division for review and approval, prior to the start of framing construction. When approved, two sets of the plans will be returned to the applicant, two sets will be retained by the Building and Fire Safety Division. Plan submittal and installation shall be in accordance with National Fire Protection Association and CFC standards and regulations.
- F12. All fire extinguishers required to have an 'A' rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance to CFC and NFPA Standards.

#### **IV. POLICE DEPARTMENT**

No General or Project Specific Conditions

**The following Conditions of Approval apply to the Engineering plans for DR 09-01, received by the Planning Division and stamped on February 27, 2009 and March 6, 2009.**

#### **V. ENGINEERING**

##### **Engineering – General Conditions**

- EN1. Improvement Plans are required with this development. Improvement Plans include:
- Public Improvements:
    - Utilities - Electric (conduit, transformers, street lights, etc.), water and sewer.
    - Drainage - Storm drain (SD) lines, inlets & filters, main line, sidewalk drains, etc.
    - Streets, Sidewalk and Curb & Gutter
  - Private Improvements:
    - Earthwork (grading)
    - Connection Points to utility mains for sewer laterals and water services.
    - Conduit and fixtures for lighting within private streets and/or parking lots
    - Streets & Sidewalk

- Drainage – SD lines, inlets & filters, sidewalk drains, retention basins, etc.
- Trash Enclosures
- Parking Lot Paving
- Parking Lot Curb & Gutter
- Street Signing and Striping

EN2. All public utilities such as water mains, sewer mains, electric lines, electric transformers, etc., within the development shall be located within public utilities easements (PUE).

PUE's shall be dedicated by grant deed and prepared by a licensed land surveyor or qualified civil engineer. The grant deed form to be used will be provided by the Engineering Division and is available in electronic format.

Applicant shall submit a draft copy of the deed (including an 8-1/2"x11" deed map) to the Engineering Division for review and approval. With draft submittal include all referenced documents and a preliminary title report current within the last ninety days.

After the Engineering Division has reviewed and approved the draft grant deed the Applicant will submit the original deed to the Engineering Division for acceptance and recordation. The submitted deed originals must be signed by the grantee(s) and notarized, and signed and stamped by a licensed land surveyor or qualified civil engineer. A PUE deed ready for recordation shall be on file in the Engineering Division prior to approval of the Improvement Plans.

EN3. All public improvements shall be provided at the Applicant's expense.

EN4. Improvement Plans shall be prepared by or under the supervision of a registered Civil Engineer or Architect.

EN5. Grading and public improvements shall be designed in accordance with the City's "Standard Requirements for The Design and Construction for Subdivisions and Special Developments," as last revised. Said Standard Requirements are available at the office of the City Engineer.

EN6. Improvement Plans shall be prepared in conformance with City of Lompoc "Development Assistance Brochures." "Development Assistance Brochures" are available to facilitate the preparation of plans and reports by the Applicant's engineer and are an essential reference for the preparation of Grading and Public Improvement Plan submittals. "Development Assistance Brochures" can be obtained at the Engineering Division or downloaded from the City Engineering web page:

<http://www.cityoflompoc.com/PublicWorks/engineering.htm>

EN7. In conformance with Title 12, Chapter 12.28.040 of the Lompoc City Code, the

Improvement Plans, including but not limited to, grading, water, sewer, streets, electrical system, and other surface and subsurface improvements, shall be prepared based upon the control monuments as established by the City of Lompoc Coordinate Control System by Record Of Survey filed August 22, 2003, in Book 172, Pages 4 through 7, Santa Barbara County Records. All drawings, improvement plans and survey maps shall be prepared in accordance with the requirements currently in effect.

### Plan Review

- EN8. After Improvement Plans have been prepared by Applicant's Engineer/Architect and are ready for City review, **FOUR** sets of prints shall be submit to the Engineering Division for the first plan check. Plan submittal shall include additional information as required herein.
- EN9. First plan check submittal shall include estimated grading quantities, a current soils investigation report, retaining wall calculations, drainage analysis, and all other pertinent information relating to the Improvement Plans and their approval.
- EN10. The Soils Investigation Report shall be prepared by a Soils Engineer who will be retained by the Applicant to observe, test, and certify that all recommendations outlined in the Soils Investigation Report are fulfilled during construction.

### Landscape Plans

- EN11. Any landscape and irrigation plans required by the Planning Division shall be approved by the Public Works and Utility Departments prior to Improvement Plan approval by the Engineering Division. An approval block shall be provided on the landscape plan title sheet for the City Engineer's signature.
- EN12. All trees & large rooted shrubbery must be planted at least ten feet away from public utilities, to include but not limited to water, sewer, electric, storm drain, cable, telephone, etc.

### Permits & Fees

- EN13. Plan Review, Grading and Encroachment Permit fees are based on Section 2 of the Master Fee Schedule adopted by City Council Resolution No. 5386(07).
- EN14. A Grading Permit issued by the Engineering Division is required prior to any excavation or filling on the site. Any stockpiling of fill dirt will require a Temporary Grading Permit.
- EN15. An Encroachment Permit shall be obtained from the Engineering Division for any work within City street right-of-way or easement.
- EN16. Prior to the issuance of an Encroachment Permit or Grading Permit, the Applicant

shall provide a letter to the Engineering Division, addressed to the City Engineer, stating that the engineer who prepared the Improvement Plans, or his/her designated representative, will perform periodic site observations of work shown on the approved Improvement Plans.

EN17. STREET IMPROVEMENT and TRAFFIC SIGNAL IMPACT FEES will be imposed upon the issuance of a building permit and are based on the City of Lompoc Development Impact Fee Schedule in effect at the time of permit issuance.

#### Drainage

EN18. Drainage out to the street shall be directed through Curb and/or Parkway Drain(s) per APWA Standard Plan No. 150-2 and 151-1. Submit drainage calculations to support sizing for drain.

EN19. Drainage from parking lots and private streets to the public right-of-way will be filtered through a City approved filter system. The filter shall be located on the development property and maintained by the property owner.

EN20. Pre-development flow from adjacent properties onto the project site shall be maintained or accounted for in the final design.

EN21. The on-site drainage system must be properly designed to maximize infiltration of roof and/or surface runoff into the underlying soil before discharging into public storm drain, street or alley.

#### Parking Lots

EN22. Parking lot design and structural section shall conform to the City's Standard Requirements, Section 8.

EN23. Asphalt Concrete – Asphalt Concrete in parking lots shall conform to the provisions in Section 39, "Asphalt Concrete," and Section 92, "Asphalts," of the Caltrans Standard Specifications, current edition, the plans and these specifications.

EN24. The grade of asphalt binder to be mixed with aggregate shall be PG 64-10.

EN25. Areas of the parking lot that will be used for truck traffic shall be designed with a heavier structural section than areas for passenger cars.

EN26. An "R" value shall be determined by the Soils Investigation and included in the Soils Report. A note shall be placed on the Grading Plan stating that "R" value samples shall be obtained and tested at the completion of rough grading, and the pavement sections confirmed or revised, to the satisfaction of the City Engineer.

#### Sidewalk/Driveways

EN27. All driveways shall provide a minimum 4-foot sidewalk area behind the apron, at 2 percent slope toward the street, for ADA compliance.

Final Project Approval

EN28. Prior to final project approval by the Engineering Division, any public improvements damaged during construction shall be repaired as directed by the Public Works Inspector and in conformance with City of Lompoc Standard Plans and Specifications.

EN29. Prior to final project approval by the Engineering Division, Record Drawings in conformance with Development Assistance Brochure (DAB) E-30 shall be prepared and approved by the City Engineer. DAB E-30 is available upon request at the Engineering Division or on line at the following City of Lompoc web address:

<http://www.cityoflompoc.com/PublicWorks/pdf/E30.pdf>

EN30. After the Record Drawings have been approved, the Applicant shall provide the City Management Services Department, Information Systems Division, with the following as-build information, in a computer format readily compatible for transfer to the City Geographic Information System [computer formats acceptable for delivery include DGN (native Microstation); DWG (same as or less than Version 14); DXF]. Record Drawing information submitted in computer format will include but not be limited to the following:

WATER	WASTEWATER	ELECTRIC	DRAINAGE	SURFACE
Mains	Mains	Lines	Manholes	Road
Valves	Manholes	Transformers	Inlets	Curb/Gutter
Blowoffs	Lift Stations	Junction Boxes	Swales	Sidewalk
Air Vacs	Laterals	Pull Boxes	Basins	Drives
Fire Hydrants		Poles	Structures	Access Ramps
Services		Street Lights	Filters	Parking Lots
Meters			Curb Drains	Survey Mon's
RP Backflow				Retaining Walls
				Bus Turnouts

**Engineering Project Specific Conditions**



EN31. The May 14, 2009 Panda Express Traffic Impact Analysis states that “The fair share percent contribution attributed to Panda Express project towards the required mitigation measures at the intersection of H Street/Central Avenue is calculated to be 12%.” Mitigation measures include the provision of dual left-turn lanes along the northbound and southbound H Street approach to Central Avenue with associated cost estimated to be \$400,000. Based on project trip generation for Panda Express and the Future Mixed-Use Building the fair share percent contribution for each use is calculated to be as follows:

Panda Express Percentage of “Fair Share Amount” .....	6.30%
Future Mixed-Use Building Percentage of “Fair Share Amount” .....	5.70%
Total:	12.00%

To account for inflation the amount of deposit will increase three percent (3%) each calendar year:

YEAR OF DEPOSIT	PANDA EXPRESS FAIR SHARE AMOUNT	FUTURE MIXED-USE BLDG FAIR SHARE AMOUNT
2009	\$25,200	\$22,800
2010	\$25,956	\$23,484
2011	\$26,735	\$24,189
2012	\$27,537	\$24,915

Applicant will submit the Panda Express Fair Share Amount to the Engineering Division prior to approval of the Panda Express Improvement Plans.

EN32. The May 14, 2009 Panda Express Traffic Impact Analysis identifies the unsignalized project access driveway at H Street (State Hwy 1) to be at Level of Service (LOS) F. Left turn traffic exiting the project site can expect significant delay during peak hours.

EN33. Modify existing commercial driveway access onto H Street (State Hwy 1), at northeast corner of project site. Provide a minimum 4-foot wide sidewalk area behind drive apron that will transition to match existing sidewalk on the north and south end of drive.

**VI. AVIATION/TRANSPORTATION**

No General or Project Specific Conditions

**VII. SOLID WASTE**

## **Solid Waste – General Conditions**

- SW1. Trash enclosures shall be designed in accordance with City standards for up to 440-gallon automated containers accessible to automated trash collection trucks and in locations as approved by the City Solid Waste Superintendent. The trash collection trucks are side loading and have a 40-foot turning radius. On-site circulation for the trucks shall be designed so trash collection trucks will not need to back up in order to turn around and exit.
- SW2. Trash enclosures shall not have any doors and shall be enclosed on three sides with a six-foot wall, which is architecturally compatible with the on-site buildings as approved by the City Planner.
- SW3. Trash enclosure access openings must be placed no more than one-foot from drive aisle.
- SW4. Trash containers must be kept side-by-side and parallel with alley or drive aisle. Enclosures with more depth than the minimum required seven-foot depth of one container must be constructed with a wheel-stop sufficient to keep the containers at the front edge of the enclosure so that the operator of the trash collection truck does not have to move containers out for collection.
- SW5. The project must provide adequate areas for collecting and loading recyclable materials. The recycling area(s) shall be located so they are convenient for those persons who deposit, collect, and load the recyclable materials. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling area(s).

## **Solid Waste – Project Specific Conditions**

- SW6. On the Engineering Site Plan it appears that the proposed location of the trash enclosure is designed for a front-loading type system. City trash collection trucks are side loading and have a 40-foot turning radius. (See Solid Waste General Condition SW1) The trash enclosure shown on the Preliminary Site Development Plan will need to be moved to a location accessible to side loading automated trash collection trucks and be in a location approved by the City Solid Waste Superintendent.
- SW7. Gates are shown on the trash enclosure. If gates are desired, the owner shall sign an agreement with the City stating that he will be responsible for refuse containers being pulled out and placed in an acceptable location on the days of service. The agreement, in a form satisfactory to the City Attorney, will be recorded prior to issuance of building permits for the project.
- SW8. A Solid Waste Management Plan will be required for the demolition phase and construction phase of the project. Prior to demolition permit issuance provide the

City Solid Waste Superintendent a description of the proposed material to be recycled during each of these two phases.

## **VIII. ELECTRIC**

### **Electric – General Conditions**

- EL1. The Applicant shall sign a line extension agreement and pay all costs for the City to furnish and install electric power lines/equipment to and within the proposed development. These costs will include all labor, labor overhead, material, material handling charges and equipment/vehicle rentals necessary for the City to extend the City's electrical distribution system to serve the project. The total estimated cost, as mentioned in the Line Extension Agreement, must be paid prior to the City issuance of building permits.
- EL2. The Applicant shall provide a single line diagram showing voltage, phase, load requirements, and size of planned switchboard. Three-phase electric services up to 200 Amps shall have 7-jaw meter sockets. Three-phase electric services above 200 Amps shall have 13-jaw meter sockets and provisions for a test switch and for current transformers. The main switchboard shall conform to Electric Utility Service Equipment Requirements approved by the City of Lompoc. The Applicant shall pay the Meter Installation Fee, prior to the issuance of the building permit.
- EL3. Electric meters and main disconnect switches shall be located on the exterior of the building or in an enclosure opening only to the exterior of the building. Meter enclosures shall be accessible at all times to electric division personnel. If the enclosure is to be locked, the lock shall be keyed to Schlage Lock No. C38587.
- EL4. The Applicant shall provide all necessary trenching and backfilling to Electric specifications. This shall include trenching for primary cable, secondary cable, street light wiring and associated vaults and boxes. The Applicant shall provide transformer pads as required. The project shall be at final grade prior to trenching for installation of underground electric facilities.
- EL5. The Applicant shall furnish and install the service wire and conduit from the service panel to the transformer or secondary box. Upon approval of the building inspector, the City shall make the final connections to the transformer and energize the service.
- EL6. For three-phase electrical service over 200 Amps, the Applicant shall run a telephone service wire to the meter location for remote meter readings.
- EL7. Provide and install one 2-inch conduit, from the pull box in the street easement to the building, in same trench with the electrical service conduit.

### **Electric – Project Specific Conditions**

- EL8. An electric easement will be required for electric lines and/or pad mount equipment installed on private property.
- EL9. Proposed Trash enclosure and existing electric vault will need a minimum 5' separation.

## **IX. WATER**

### **Water – General Conditions**

- W1. This facility must comply with plumbing cross-connection control standards as required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.
- W2. The size and location of all water meters shall be determined by the Engineer/Architect or authorized representative. All water meters will be furnished and installed by the Water Division at the expense of the Applicant.
- W3. All meter protection shall be by an approved Reduced Pressure Principle Backflow Prevention Assembly (RP) at the service connection. Information on acceptable assemblies is available from the City Water Division.
- W4. All public water system components must be constructed within public right-of-way or public easements.
- W5. When a fire sprinkler system is required or proposed, the utility plan shall show the location of Fire Department Connection FDC with reference dimensions to the nearest fire hydrant. Fire Department requires fire department connections to be within 150' of a fire hydrant.
- W6. When a fire sprinkler system is required or proposed the utility plan shall show the fire line connection point to water main.
- W7. All requests for information needed to design fire sprinkler systems and to determine available or needed fire hydrant flow shall be made with the City Water Division.
- W8. All water connections to the City Of Lompoc Water Distribution system shall be shown on the Improvement Plans. This includes irrigation water meters for general open areas in a development project. Water irrigation meters and related impact fees will be paid before the Improvement Plans are approved and will be based on the City of Lompoc current meter fee schedule.
- W9. Improvement Plan sheets showing public water facilities shall include an itemized schedule that shows all water meter requirements for the project. The schedule

shall identify water meter quantity, size and plan sheet where meter is shown.

**EXAMPLE**

<b>Water Meter Requirements:</b>			
Meter Type	Meter Size	Quantity	Plan Sheet #
House	¾" x ¾"	24	5 of 20
Irrigation	1.5"	2	4 of 20

W10. All cross-connection control wet fire sprinkler systems with fire department connection shall be installed on private property and outside City right-of-way, per City Std. Dwg. No. 404.

W11. Where backflow protection is required, the backflow assembly shall be installed on private property and outside City right-of-way.

**Water – Project Specific Conditions**

W12. Any unutilized water services and/or fire lines shall be abandoned at the water main.

**X. WASTEWATER**

**Wastewater – General Conditions**

WW1. All new sewer main and lateral installations will be of Polyvinyl Chloride Plastic (PVC) SDR35 sewer pipe, including all pipefittings and miscellaneous appurtenances. No glue joints are permissible.

WW2. For cut-in to an existing sewer, a wye tie-in shall be used. Saddles are not allowed.

WW3. A grease trap/interceptor is required to be installed in community buildings where commercial appliances will be used.

WW4. All food handling establishments must demonstrate compliance with Wastewater Division Ordinance requirements, sized according to Appendix H of the Uniform Plumbing Code (UPC) and show location and type of grease interceptor/trap.

WW5. All wastewater improvements must comply with Federal, State and City laws/ordinances for the protection of the Wastewater System.

**XI. WIRELESS BROADBAND UTILITY**

No General or Project Specific Conditions

I, C. Roger Su of the Itra Group, representing the property owner, do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the project. As a representative of the property owner, I agree to comply with these conditions and all other applicable laws and regulations at all times.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**MITIGATION MEASURES  
DR 09-01 – PANDA EXPRESS  
1405 NORTH H STREET – APN: 93-450-32**

These Mitigation Measures were extracted from the Mitigated Negative Declaration for Panda Express, which was certified by the Planning Commission on July 8, 2009. Language may be modified herein to clarify applicability to the project and to provide clarification regarding compliance to contractors and future property owners. No revisions have been made to modify the intent or requirements of the Mitigation Measures. In the case of conflict, the Mitigation Measures contained herein shall supercede those contained in the MND.

Aesthetics

1. In order to assure that no additional light and glare spills off of the project site into the existing area, the applicant will submit a lighting plan showing: lumens, fixture type, placement, height of any lighting proposed for the development.

Air Quality

2. Based on forecasted vehicle trip generation, emissions attributable to the project would not exceed SBCAPCD or City thresholds. Because of the potential for construction of the project to result in air contaminant emissions, the following mitigation measure is required.
  - As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel PM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. The following shall be adhered to during project grading and construction to reduce NO<sub>x</sub> and PM<sub>2.5</sub> emissions from construction equipment:
    - All portable construction equipment shall be registered with the state's portable equipment registration program or permitted by the SBCAPCD by September 18, 2008.
    - Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
    - The engine size of construction equipment shall be the minimum practical size.
    - The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

- Construction equipment shall be maintained in tune per the manufacturer's specifications.
- Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating on-site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

### Noise

3. Hours of construction shall be limited to:  
Monday through Friday - between the hours of 7:30 am and 5 pm  
Saturday - between the hours of 8 am and 5 pm  
Sunday - None  
Minor modifications to the hours of construction may be granted by the Community Development Director.

### Transportation/Circulation

4. The applicant shall fully implement the proposed mitigation recommended by Rick Engineering as stated in the *Final Panda Express Traffic Impact Analysis* (May 14, 2009). The applicant is expected to pay a fair share contribution (12 percent) towards the following near-term planned improvements, which are to provide dual left turn lanes along the northbound H Street approach (currently, one left turn lane) and dual left turn lanes along the southbound H Street approach (currently, one left turn lane).

### Utilities and Service Systems

5. The applicant shall install sedimentation and grease filters, employing Best Management Practices (BMP), in the storm drain system.

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**CITY OF LOMPOC  
ENVIRONMENTAL CHECKLIST FORM**

**A. PROJECT INFORMATION:**

<b>Project Title:</b> Panda Express	<b>Project No:</b> DR 09-01	
<b>Lead Agency Name and Address:</b> City of Lompoc 100 Civic Center Plaza, Lompoc, CA 93436 P.O. Box 8001, Lompoc, CA 93438-8001	<b>Contact Person and Phone Number:</b> Keith C. Neubert Principal Planner (805) 875-8277	
<b>PROJECT DESCRIPTION / LOCATION:</b>  A request by C. Roger Su of Itra Group, Inc., representing the property owner, for Planning Commission consideration of a proposal to construct an approximately 2,450 square foot Panda Express drive-through restaurant and future approximately 4,500 square foot restaurant/retail building with parking and landscaping. The project includes demolition of an existing approximately 8,100 square foot building. The proposed project is located at 1405 North H Street in the <i>Planned Commercial Development (PCD)</i> Zoning District (Assessor Parcel Number: 93-450-32).		
<b>Public Agencies with Approval Authority</b> (Including permits, funding, or participation agreements): City of Lompoc		
<b>Project Applicant, Name and Address:</b> Derek Knight Panda Express, Inc. 1683 Walnut Grove Avenue Rosemead, CA 91770 (626) 799-9898	<b>Project Consultant:</b> C. Roger Su. Itra Group, Inc. 23435 Gold Rush Drive Diamond Bar, CA 91765 (909) 860-8212	
<b>General Plan Designation:</b> General Commercial	<b>City Zoning Designation:</b> Planned Commercial Development (PCD)	
<b>Surrounding Land Use Designation:</b> North – General Commercial South – General Commercial East – General Commercial West – General Commercial	<b>Surrounding Land Uses:</b> North – Vacant South – Commercial East – Commercial West – Vacant	
<b>Environmental Setting:</b> Existing urbanized area.		
<b>ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:</b>  The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact”, as indicated by the checklist on the following pages.		
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology / Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Land Use / Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation / Traffic
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Mandatory Findings of Significance	

**B. TECHNICAL STUDIES**

The following Technical Studies were prepared for this document:

Title	Prepared by/Date	Attached to EIS	Available for Review
URBEMIS, 2007, V. 9.2.4	Rincon Consultants, Inc. – April 1, 2009		X
Traffic and Circulation Study	Rick Engineering – May 14, 2009		X

**C. ENVIRONMENTAL IMPACTS:**

Identify the potential for significant adverse impacts below. Note mitigation measures, if available, for significant adverse impacts.

<b>I. AESTHETICS</b> Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		X		

Comments:

- a) The proposed restaurant and future restaurant/retail building will not have a substantial adverse impact on a scenic vista as there is no scenic vista in the immediate area identified on the City of Lompoc Urban Design Features Map in the Urban Design Element of the City’s General Plan, adopted in October of 1997.
- b) The proposed restaurant and future restaurant/retail building will not substantially damage scenic resources within a state scenic highway, as it is not located adjacent to a state scenic highway.
- c) The proposed restaurant and future restaurant/retail building will not substantially degrade the existing visual character or quality of the site and its surroundings, as staff will review project architecture to assure compliance with established City *Architectural Review Guidelines*.
- d) The proposed restaurant and future restaurant/retail building will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area as a lighting plan will be required as a condition of approval to assure that no substantial light and/or glare will adversely affect day or nighttime views in the area.

Mitigation:

In order to assure that no additional light and glare spills off of the project site into the existing area, the applicant will submit a lighting plan showing: lumens, fixture type, placement, height of any lighting proposed for the development.

Monitoring:

The applicant will submit a lighting plan showing any proposed lighting for the development, the adequacy of the plan will be reviewed by City staff during plan check.

<b>II. AGRICULTURAL RESOURCES</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Comments:

- a) The proposed restaurant and future restaurant/retail building will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use as the site is within the existing City limits, the site has not recently been utilized for farming, the site is currently developed and the site is surrounded by existing development.
- b) The proposed restaurant and future restaurant/retail building will not conflict with existing zoning for agricultural use, or a Williamson Act contract as the size of the parcel is too small (less than 20 acres) for a Williamson Act contract to be implemented and the site is currently developed.
- c) The proposed restaurant and future restaurant/retail building will not involve changes in the existing environment, which, due to its location or nature, could result in conversion of Farmland to non-agricultural use. The site has not been recently utilized for agricultural use and is currently developed.

<b>III. AIR QUALITY</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?			X	

Comments:

a) Conflicts with Clean Air Plan: The proposed project would involve development of a 2,448 square foot Panda Express drive-through restaurant and a 4,500 square foot restaurant/retail (mixed-use) building on a site that is currently developed with an 8,100 square foot restaurant building located at 1405 North H Street in Lompoc, CA. The property is designated for General Commercial (GC) use, and is zoned for Planned Commercial Development (PCD). The proposed project would be consistent with the existing land use designation for the site.

Based on the Santa Barbara Air Pollution Control District's (SBCAPCD's) guidelines, projects are considered consistent with the Clean Air Plan (CAP) if they incorporate appropriate CAP Transportation Control Measures (TCMs) and any applicable stationary source control measures, and are consistent with SBCAPCD rules and regulations. Although the project would result in additional vehicle trip generation compared to the existing restaurant use on the site, the project would be considered an infill development and therefore would not substantially increase average vehicle miles traveled in the City. Measures to reduce the number and length of motor vehicles traveled by facilitating transit use, carpooling, bicycling and other non-motorized modes of transportation have been incorporated by reference into the Lompoc General Plan in accordance with the Clean Air Plan for Santa Barbara County. Since the proposed project would incorporate applicable TCMs, would be consistent with the existing General Plan land use designation for the site, and would not involve stationary emissions sources, the project is considered consistent with the CAP and impacts are less than significant.

b) Air Quality Standards: Applicable air quality criteria for evaluation of the project's impacts include federal air pollutant standards established by the U.S. Environmental Protection Agency (EPA) and reported as National Ambient Air Quality Standards (NAAQS), and the California Ambient Air Quality Standards (CAAQS), which are equal to or more stringent than the federal standards. The California Air Resources Board (CARB) coordinates and oversees both State and Federal air quality control programs in California. The CARB has established 14 air basins statewide. The City of Lompoc is located in the South Central Coast Air Basin (SCCAB), which includes all of San Luis Obispo, Santa Barbara, and Ventura counties. The site is under the jurisdiction of the Santa Barbara County Air Pollution Control District (SBCAPCD). CARB has established air quality standards and is responsible for the control of mobile emission sources, while the SBCAPCD is responsible for enforcing standards and regulating stationary sources. At present, the County is in non-attainment for the state eight-hour ozone standard, the state standard for particulate matter that is less than ten microns in diameter (PM<sub>10</sub>), and the federal standard for PM<sub>10</sub>. There is not yet enough data to determine the basin's attainment status for either the federal standard for particulate matter that is less than 2.5 microns in diameter (PM<sub>2.5</sub>) or the state standard for PM<sub>2.5</sub>. The county is in attainment for all other standards.

Ozone is a secondary pollutant that is not produced directly by a source, but rather it is formed by a reaction between NO<sub>x</sub> and reactive organic gases (ROG) in the presence of sunlight. Reductions in ozone concentrations are dependent on reducing the amount of these precursors. As stated above, the County is in non-attainment regarding the state and federal standards for PM<sub>10</sub>. The major sources for this pollutant are mineral quarries, grading, demolition, agricultural tilling, road dust, and vehicle exhaust. PM<sub>10</sub> levels in the area are primarily due to grading and motor vehicle emissions.

*Construction Impacts:* Project construction would result in temporary air quality impacts due to the use of heavy construction equipment and generation of fugitive dust during the construction of the proposed buildings. Heavy construction equipment emits air pollutants, including reactive organic compounds (ROC), nitrogen oxides (NO<sub>x</sub>), and PM<sub>10</sub>. PM<sub>10</sub> is comprised of finely divided solids or liquids such as dust, soot, aerosols, fumes and mists. The SBCAPCD does not have quantitative thresholds of significance for construction emissions since they are considered to be short-term and temporary. However, according to the SBCAPCD's *Scope and Content of Air Quality Sections in Environmental Documents* (June 2008), construction-related NO<sub>x</sub>, ROC, PM<sub>10</sub> and PM<sub>2.5</sub> emissions from diesel and gasoline powered equipment, paving and other activities, should be quantified. In addition, standard dust control measures must be implemented for any discretionary project involving earth-moving activities. Emissions during construction of the proposed project are estimated at up to 8.52 lbs/day of ROG and 52.55 lbs/day of NO<sub>x</sub>.

All construction activity would be required to incorporate the SBCAPCD requirements pertaining to minimizing construction-related emissions. These requirements (outlined below) would ensure that any construction-related air quality impacts remain less than significant.

*Operational Impacts:* The SBCAPCD has set a 25-pound per day threshold for ROG and NO<sub>x</sub> from project motor vehicle emissions only, a 240-pound per day threshold for ROG and NO<sub>x</sub> emissions from all project sources of emissions, and an 80-pound per day threshold for PM<sub>10</sub> emissions from all project sources of emissions. Project-related vehicle emissions were calculated using the URBEMIS 2007 for Windows Version 9.2.4 air quality model. The mobile emissions analysis was based on a project fleet mix of 46.2% light automobiles, 37.1% light trucks, 7.5% medium trucks, 3.9% heavy trucks, 0.4% buses, 3.7% motorcycles, and 1.2% motor homes. Table 1 summarizes the operational and area source emissions associated with the proposed development.

**Table 1. Project Operational Emissions**

Emission Source	ROG (lbs/day)	NO <sub>x</sub> (lbs/day)	PM <sub>10</sub> (lbs/day)
Mobile (Primary Traffic)*	13.17	18.94	19.90
Area Source Emissions (Unmitigated)	0.41	0.13	0.02
<b>Total</b>	<b>13.58</b>	<b>19.07</b>	<b>19.92</b>

*Unmitigated summer emissions generated from URBEMIS 2007 for Windows 9.2.4.*

The project would replace the previous use on the site, which included an existing restaurant and associated parking. The existing restaurant represented an ongoing source of emissions that would be replaced by the proposed Panda Express upon project implementation. Vehicle emissions associated with the existing restaurant were also calculated, and are summarized in Table 2.

**Table 2. Previous Use Operational Emissions**

Emission Source	ROG (lbs/day)	NO <sub>x</sub> (lbs/day)	PM <sub>10</sub> (lbs/day)
Mobile (Primary Traffic)*	4.75	6.74	7.07
Area Source Emissions (Unmitigated)	0.18	0.10	0.01
<b>Total</b>	<b>4.93</b>	<b>6.84</b>	<b>7.08</b>

*Unmitigated summer emissions generated from URBEMIS 2007 for Windows 9.2.4.*

When analyzing the net change in air emissions between the existing site conditions, air emissions from the previous use are subtracted from the emissions that would result from project implementation. Net project emissions are summarized in Table 3.

**Table 3. Project Operational Emissions**

Emission Source	ROG (lbs/day)	NO <sub>x</sub> (lbs/day)	PM <sub>10</sub> (lbs/day)
Mobile (Primary Traffic)*	8.42	12.20	12.83
<i>Exceeds County Threshold (25 lbs/day Vehicle Trips)?</i>	<i>No</i>	<i>No</i>	<i>N/A</i>
Area Source Emissions (Unmitigated)	0.23	0.03	0.01
<b>Total</b>	<b>8.65</b>	<b>12.23</b>	<b>12.84</b>
<i>Exceeds County Threshold (240 lbs/day All Sources)?</i>	<i>No</i>	<i>No</i>	<i>No</i>

*Unmitigated summer emissions generated from URBEMIS 2007 for Windows 9.2.4.*

Project-generated traffic emissions would not exceed the SBCAPCD's long-term threshold of significance of 25 lbs/day for ROG and NO<sub>x</sub> from vehicle trips. Net operational emissions resulting from a combination of vehicular traffic, and electrical and natural gas usage from the proposed project are estimated at 8.65 lbs/day of ROG, and 12.23 lbs/day of NO<sub>x</sub>. When compared to the SBCAPCD's thresholds of significance, the project would not exceed the long-term threshold of a total of 240 lbs/day for NO<sub>x</sub> and ROG from all sources, or 80 lbs/day for PM<sub>10</sub> from all sources.

Emissions control measures are required for all discretionary construction activities. All construction activity would be required to incorporate the SBCAPCD requirements pertaining to minimizing construction-related emissions. Therefore, impacts related to air quality standards would remain less than significant with the mitigation measure discussed below.

c) Criteria Pollutants: Refer to the response to Item b, above.

d) Sensitive Receptors: The site is surrounded by commercial uses. Existing residential uses closest to the site are located across Central Avenue, approximately 400 feet to the southwest, with additional residential uses across North H Street, approximately 700 feet to the east. There is also a church across Central Avenue and North H Street, approximately 550 feet to the southeast. Adjacent sensitive receptors could be affected by project emissions during construction. SBCAPCD requirements pertaining to minimizing construction-related emissions, as stated above, would be implemented during project construction. These impacts would be less than significant with the incorporation of required mitigation measures. Therefore, the project would result in less than significant impacts upon the implementation of the mitigation measure discussed below.

e) Odors: The proposed project would involve development of a Panda Express restaurant and a restaurant/retail building to replace an existing restaurant on-site. Although the proposed restaurant use would be expected to generate normal odor levels associated with food preparation, the impact of these odors is not expected to substantially increase from the existing restaurant use, and would be consistent with odor levels generated by existing restaurants in the project area. Impacts on adjacent properties would be less than significant.

Mitigation:

Based on forecasted vehicle trip generation, emissions attributable to the project would not exceed SBCAPCD or City thresholds. Because of the potential for construction of the project to result in air contaminant emissions, the following mitigation measure is required.

1. As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel PM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. The following shall be adhered to during project grading and construction to reduce NO<sub>x</sub> and PM<sub>2.5</sub> emissions from construction equipment:

- All portable construction equipment shall be registered with the state's portable equipment registration program or permitted by the SBCAPCD by September 18, 2008.
- Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained in tune per the manufacturer's specifications.

- Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating on-site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Monitoring:

The Planning Division will verify that the required mitigation measure is included on the grading plans prior to issuance of a grading permit.

<b>IV. BIOLOGICAL RESOURCES</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Comments:

a-d) The proposed restaurant and future restaurant/retail building will not have a substantial adverse effect on any species identified as a sensitive species in local or regional plans or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, nor will the project affect federally protected wetlands, nor will the project affect migratory wildlife corridors, nor will the project affect biological resources, because the project is in an urbanized area and is not identified in the Lompoc General Plan as being in an area of biological significance.

e) The site is not identified on the "Biologically Significant Areas" Map located in the City of Lompoc General Plan adopted October 1997.

f) The site is currently developed and the project is proposed on property within an urbanized area. The City of Lompoc Biological Resources Study, prepared by Arthur D. Little in February 1987, identifies no biological resources that will be impacted by the development of this site.

<b>V. CULTURAL RESOURCES</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Comments:

a-b) The proposed restaurant and future restaurant/retail building will not cause a substantial adverse change in the significance of a historical or archaeological resource, as identified in Section 15064.5, because the subject site is not identified in the City of Lompoc Cultural Resource Study as having a historical or archaeological resource on the site. Standard conditions of approval related to the accidental discovery of archaeological resources during site construction activities are included below.

c) The proposed restaurant and future restaurant/retail building will not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature. The site is not identified on the "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997. Standard conditions of approval related to the accidental discovery of paleontological resources during site construction activities are included below.

d) The proposed restaurant and future restaurant/retail building will not disturb any human remains, including those interred outside of formal cemeteries. The site is not identified on the "Archeological Sensitivity Zones" Map located in the City of Lompoc General Plan adopted October 1997. Standard conditions of approval related to the accidental discovery of human remains during site construction activities are included below.

- If archaeological artifacts are unearthed or exposed during construction, all ground disturbing work shall stop immediately and the artifacts and the site shall be evaluated by an experienced archaeologist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Archaeologist, prior to the restarting of ground disturbing work at the project site.



- If paleontological artifacts are unearthed or exposed during construction, all ground disturbing work shall stop immediately and the City notified. The artifacts and site shall be evaluated by an experienced Paleontologist/cultural resources specialist. An appropriate plan for the preservation of the artifacts from the site shall be prepared and its implementation overseen by an experienced Paleontologist.
- If human remains are accidentally discovered or recognized during construction, all excavation and ground disturbing work on or adjacent to the project site (or area of discovery) shall stop immediately. The County Coroner of the County in which the remains are discovered shall be contacted and the Native American Heritage Commission shall be notified immediately and their recommendations and requirements adhered to, prior to continuation of construction activity.

<b>VI. GEOLOGY AND SOILS</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Comments:

a) The site is not identified on the City of Lompoc General Plan "Geologic and Soils Hazards" Map as being located in an area subject to liquefaction, landslides, or seismic activity, therefore, the project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death.

b-e) Based upon the 1987 study by the Morro Group, "City of Lompoc Seismic and Geologic Conditions Study", the area is not subject to unusual geologic activity nor does it have unique features.

<b>VII. HAZARDS AND HAZARDOUS MATERIALS</b>  Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Comments:

a-c) The proposed restaurant and future restaurant/retail building will not create a significant hazard to the public or the environment as hazardous materials will not be used, transported, or disposed of on the site.

d) The proposed restaurant and future restaurant/retail building will not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment, based on a check of the lists prepared by the Certified Unified Program Agency of unauthorized releases and fuel tank locations.

e-f) The proposed restaurant and future restaurant/retail building, is located within two miles of the Lompoc Municipal Airport, however, the project is proposed on a parcel surrounded by development, and would not result in a safety hazard for people residing or working in the project area. The project is not located within the vicinity of a private airstrip.

g) The proposed restaurant and future restaurant/retail building will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan because the project will not involve the installation of permanent barriers to travel.

h) The proposed restaurant and future restaurant/retail building will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, because the proposed site is located in the urbanized area of the City of Lompoc.

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Comments:

a-e) The proposed restaurant and future restaurant/retail building will not violate any water quality standards or waste discharge requirements; the project will not substantially deplete groundwater supplies or interfere with groundwater recharge; the project will not substantially alter the existing drainage pattern of the site or area; the project will not create or contribute run-off water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted run-off. A drainage plan will be required to maintain adequate drainage on the site.

f) The proposed restaurant and future restaurant/retail building will not otherwise substantially degrade water quality. There are no rivers or creeks within the project area.

- g) The proposed restaurant and future restaurant/retail building, is located in Zone X of Community Panel No. 06083C0736F, revised September 30, 2005 outside the 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- h) The proposed project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- i-j) The proposed restaurant and future restaurant/retail building will not create a threat of inundation by seiche, tsunami, or mudflow. The subject site is located approximately 8 miles from the ocean, so tsunamis are very unlikely. The site is also not located near a water body or a significant slope or volcano, so mudflows and seiches are very unlikely.

<b>IX. LAND USE AND PLANNING</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Comments:

- a) The proposed restaurant and future restaurant/retail building will not physically divide an established community as the project site is in an urbanized area.
- b) The proposed restaurant and future restaurant/retail building will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect, as the proposed project is consistent with the City General Plan and Zoning Ordinance. The City Planning Commission will review the plans to assure conformance with the City's Zoning Ordinance and Architectural Review Guidelines.
- c) There is not a habitat conservation plan or natural community conservation plan, which applies to the site, therefore, there will be no conflict with such a plan.

<b>X. MINERAL RESOURCES</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Comments:

- a-b) The proposed restaurant and future restaurant/retail building will not result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state as the "Mineral Resources" Map in the Lompoc General Plan, adopted October 1997, does not identify the project area as being a locally important mineral resource recovery site.

<b>XI. NOISE</b>  Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Comments:

a-b) The proposed restaurant and future restaurant/retail building will not expose persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance, nor will it expose persons to excessive ground borne noise levels.

c) The proposed restaurant and future restaurant/retail building will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

d) Short-term construction impacts will be addressed by standard conditions of approval including limited hours of construction.

e-f) The proposed restaurant and future restaurant/retail building is located within two miles of the Lompoc Municipal Airport, however, the project is proposed on a parcel surrounded by development, and would not result in a safety hazard for people residing or working in the project area. The project is not located within the vicinity of a private airstrip.

Mitigation:

Hours of construction shall be limited to:

- Monday through Friday - between the hours of 7:30 am and 5 pm
- Saturday - between the hours of 8 am and 5 pm
- Sunday - None

Minor modifications to the hours of construction may be granted by the Community Development Director.

Monitoring:

The Planning, Building, and Engineering Divisions shall perform periodic site visits during construction to ensure compliance with construction hours.

<b>XII. POPULATION AND HOUSING</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Comments

a) The proposed project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, rough extension of roads and other infrastructure) as this site is currently developed.

b-c) The proposed project will not displace any housing or people, or require any replacement housing.

<b>XIII. PUBLIC SERVICES</b>	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				X
b) Fire Protection?				X
c) Police protection?				X
d) Schools?				X
e) Parks?				X
f) Other public facilities?				X

Comments:

a-f) The proposed restaurant and future restaurant/retail building will not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for Fire, Police, Schools, Parks, or other public services, because the site is currently within an urbanized area which is already adequately served by City services. The City has sufficient resources to provide required services.

<b>XIV. RECREATION</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Comments:

a-b) The proposed restaurant and future restaurant/retail building will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

<b>XV. TRANSPORTATION/CIRCULATION</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?		X		
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Comments:

a-b) A Traffic and Circulation Study was prepared for the proposed project by Rick Engineering. Based upon the Final Traffic and Circulation Study, the restaurant and future restaurant/retail building is estimated to generate a net 1,746 average daily trips, 171 A.M. peak hour trips and 107 P.M. peak hour trips. Based upon City of Lompoc and CMP intersection criteria, this project would have significant impacts at the intersection of Central Avenue and H Street; however, with planned intersection improvements, the impacts are reduced to less than significant. The City has identified the improvements for this intersection as part of the Wye Specific Plan. These improvements include installation of dual northbound and southbound left-turn lanes at the intersection. The project contribution to cumulative traffic at this intersection is 12%.

c) The proposed restaurant and future restaurant/retail building will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks because the proposed restaurant and future restaurant/retail building is located on a parcel surrounded by existing development.

d) The proposed restaurant and future restaurant/retail building will not substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment) as it is located on an infill parcel, which is adequately served by existing roadways.

e-f) The proposed restaurant and future restaurant/retail building will not result in inadequate emergency access or parking capacity, as the project will not result in blocked roadways and on-site parking will be provided.

g) The proposed restaurant and future restaurant/retail building will not conflict with policies, plans or programs which support alternative transportation, including buses and bicycles, as the project will not result in blocked roadways, bikeways or reduced parking.

Mitigation:

The applicant shall fully implement the proposed mitigation recommended by Rick Engineering as stated in the *Final Panda Express Traffic Impact Analysis* (May 14, 2009). The applicant is expected to pay a fair share contribution (12 percent) towards the following near-term planned improvements, which are to provide dual left turn lanes along the northbound H Street approach (currently, one left turn lane) and dual left turn lanes along the southbound H Street approach (currently, one left turn lane).

Monitoring:

The City staff will ensure that the applicant has paid its fair share contribution of 12 percent towards the near-term planned improvements of dual left turn lanes along the northbound H Street approach and dual left turn lanes along the southbound H Street approach prior to approval of the improvement plans.

<b>XVI. UTILITIES AND SERVICE SYSTEMS</b> Would the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		



d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Comments:

a-c) The proposed project will not exceed wastewater treatment requirements of the Central Coast Region of the Regional Water Quality Control Board, nor will the project require the construction of new water, wastewater, or storm water facilities, the construction of which could cause significant environmental effects. The project is located within an existing urbanized area and the water, wastewater, and storm water facilities are adequate to service the new development. A drainage plan will be required to maintain adequate drainage on the site and filters to remove sediment, oil, and grease will be required as a condition of approval to assure that all water draining from on-site pavement will be properly filtered prior to entering the City's storm water drainage system.

d-e) The project site is located within the City of Lompoc city limits, and the City has sufficient resources to service the site with water and wastewater facilities.

f-g) The City of Lompoc landfill has sufficient capacity to service the proposed use. The project will conform to regulations regarding solid waste.

Mitigation:

The applicant shall install sedimentation and grease filters, employing Best Management Practices (BMP), in the storm drain system.

Monitoring:

Staff will review the grading plan to ensure that sedimentation and grease filters, employing Best Management Practices (BMP), are shown in the storm drain system. Once in place, staff will inspect the filters to ensure that they were installed correctly.

<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>  Does the project:	Potentially Significant Impact	Less than significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				X

<b>DETERMINATION:</b>	
On the basis of this initial evaluation:	
	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Keith C. Neubert  
 Principal Planner

Date

**D. MITIGATION AND MONITORING PLAN:**

**The following Mitigation Measures shall be Conditions of Approval for Development Plan DR 09-01:**

I hereby confirm that the project description is correct and that the mitigation and monitoring measures set out in the Mitigation and Monitoring Plan are acceptable.

---

C. Roger Su (Project Representative)

Date

**I. AESTHETICS**

Mitigation:

In order to assure that no additional light and glare spills off of the project site into the existing area, the applicant will submit a lighting plan showing: lumens, fixture type, placement, height of any lighting proposed for the development.

Monitoring:

The applicant will submit a lighting plan showing any proposed lighting for the development, the adequacy of the plan will be reviewed by City staff during plan check.

**III. AIR QUALITY**

Mitigation:

Based on forecasted vehicle trip generation, emissions attributable to the project would not exceed SBCAPCD or City thresholds. Because of the potential for construction of the project to result in air contaminant emissions, the following mitigation measure is required.

1. As of June 15, 2008, fleet owners are subject to sections 2449, 2449.1, 2449.2, and 2449.3 in Title 13, Article 4.8, Chapter 9, of the California Code of Regulations (CCR) to reduce diesel PM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles. The following shall be adhered to during project grading and construction to reduce NO<sub>x</sub> and PM<sub>2.5</sub> emissions from construction equipment:
  - All portable construction equipment shall be registered with the state's portable equipment registration program or permitted by the SBCAPCD by September 18, 2008.
  - Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - The engine size of construction equipment shall be the minimum practical size.
  - The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - Construction equipment shall be maintained in tune per the manufacturer's specifications.
  - Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
  - Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

- Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating on-site.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units should be used whenever possible.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Monitoring:

The Planning Division will verify that the required mitigation measure is included on the grading plans prior to issuance of a grading permit.

**XI. NOISE**

Mitigation:

Hours of construction shall be limited to:

Monday through Friday - between the hours of 7:30 am and 5 pm

Saturday - between the hours of 8 am and 5 pm

Sunday - None

Minor modifications to the hours of construction may be granted by the Community Development Director.

Monitoring:

The Planning, Building, and Engineering Divisions shall perform periodic site visits during construction to ensure compliance with construction hours.

**XV. TRANSPORTATION/CIRCULATION**

Mitigation:

The applicant shall fully implement the proposed mitigation recommended by Rick Engineering as stated in the *Final Panda Express Traffic Impact Analysis* (May 14, 2009). The applicant is expected to pay a fair share contribution (12 percent) towards the following near-term planned improvements, which are to provide dual left turn lanes along the northbound H Street approach (currently, one left turn lane) and dual left turn lanes along the southbound H Street approach (currently, one left turn lane).

Monitoring:

The City staff will ensure that the applicant has paid its fair share contribution of 12 percent towards the near-term planned improvements of dual left turn lanes along the northbound H Street approach and dual left turn lanes along the southbound H Street approach prior to approval of the improvement plans.

**XVI. UTILITIES AND SERVICE SYSTEMS**

Mitigation:

The applicant shall install sedimentation and grease filters, employing Best Management Practices (BMP), in the storm drain system.

Monitoring:

Staff will review the grading plan to ensure that sedimentation and grease filters, employing Best Management Practices (BMP), are shown in the storm drain system. Once in place, staff will inspect the filters to ensure that they were installed correctly.

## CITY OF LOMPOC MITIGATED NEGATIVE DECLARATION

Pursuant to the State of California Public Resources Code and the California Environmental Quality Act, as amended to date, a Negative Declaration is hereby made on the following project:

**Title:** Panda Express – DR 09-01

**Location:** 1405 North H Street  
(Assessor Parcel Number: 93-450-32)

**Description:**

A request by C. Roger Su of Itra Group, Inc., representing the property owner, for Planning Commission consideration of a proposal to construct an approximately 2,450 square foot Panda Express drive-through restaurant and future approximately 4,500 square foot restaurant/retail building with parking and landscaping. The project includes demolition of an existing approximately 8,100 square foot building. The proposed project is located at 1405 North H Street in the *Planned Commercial Development (PCD)* Zoning District (Assessor Parcel Number: 93-450-32).

The City of Lompoc has determined that:

There are no significant adverse environmental impacts created by this project.

There will be no significant adverse environmental impacts associated with this project if the following conditions/mitigation measures are met.

## **MITIGATION AND MONITORING**

**The following Mitigation Measures shall be Conditions of Approval for the Panda Express Development project (DR 09-01).**

### **I. AESTHETICS**

#### Mitigation:

In order to assure that no additional light and glare spills off of the project site into the existing area, the applicant will submit a lighting plan showing: lumens, fixture type, placement, height of any lighting proposed for the development.

#### Monitoring:

The applicant will submit a lighting plan showing any proposed lighting for the development, the adequacy of the plan will be reviewed by City staff during plan check.

### **III. AIR QUALITY**

#### Mitigation:

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  - Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emission standards should be used to the maximum extent feasible.
  - The engine size of construction equipment shall be the minimum practical size.
  - The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
  - Construction equipment shall be maintained in tune per the manufacturer's specifications.
  - Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.
  - Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
  - Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed on equipment operating on-site.
  - Diesel powered equipment should be replaced by electric equipment whenever feasible.
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- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Monitoring:

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**XI. NOISE**

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Monitoring:

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June 12, 2009

Date

Keith C. Neubert, Principal Planner

